

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA,

v.

ROBERT FITZPATRICK

Defendant

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) Criminal No. 15-CR-10104-FDS  
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**ROBERT FITZPATRICK'S MOTION**  
**FOR COURT ORDER TO ISSUE RULE 17 SUBPOENAS**

Now comes the Defendant, Robert Fitzpatrick, by and through undersigned counsel, pursuant to Fed. R. Crim. P. 17, and hereby moves the Court for an order authorizing and directing the Clerk to issue ten (10) subpoenas in advance of the Rule 15 depositions scheduled for December 2015. As grounds and reasons therefore, Mr. Fitzpatrick states the following:

1. Pursuant to the government's motion, the Court has ordered that three trial witnesses be deposed pursuant to Fed.R.Crim.P. 15. These examinations are scheduled to occur in December 2015. The examinations will likely serve as the trial testimony of these witnesses, who the government has identified as critical or material witnesses for the prosecution.

2. Rule 17(a) provides that the Clerk shall issue blank subpoenas, signed and sealed, to a party requesting it, and Rule 17(c) provides that a subpoena may order the witness to produce books, papers, documents or objects the subpoena designates.

3. When counsel requested the issuance of these subpoenas the Clerk informed counsel that he should file a motion with the Court requesting issuance of the requested subpoenas.

4. The defense is requesting ten subpoenas in the event that he believes he needs

materials from third parties in order to conduct a full, complete and effective cross-examination of the three witnesses. To issue such subpoenas for a future trial date, after the examinations have already occurred, would render the materials useless regarding the examinations of the three witnesses. Mr. Fitzpatrick will request that any subpoenas for materials be returnable to the Court for November 2, 2015, at 9 a.m., providing sufficient time before the scheduled depositions to litigate any motions to quash or modify any such subpoenas (and thus avoiding any risk of postponement of the scheduled depositions).

5. The government, by and through U.S. Attorney Zachary Hafer, having reviewed the within motion, takes no position on the motion.

WHEREFORE, the defendant respectfully requests an order authorizing the Clerk to issue ten (10) subpoenas to the defendant.

Respectfully submitted,  
ROBERT FITZPATRICK,  
By his Attorney,

/s/ Robert M. Goldstein  
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Dated: September 10, 2015

**Certificate of Service**

I, Robert M. Goldstein, hereby certify that on this date, September 10, 2015, a copy of the foregoing document has been served via the Electronic Court Filing system on all registered participants, including Assistant U.S. Attorneys Zachary Hafer.

/s/ Robert M. Goldstein  
Robert M. Goldstein